

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
Attorney General

CRIMINAL DIVISION
FEDERAL HABEAS CORPUS SECTION

(212) 416-6173

August 12, 2008

SO ORDERED

Hon. George B. Daniels
United State District Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Room 630
New York, NY 10007

George B. Daniels
HON. GEORGE B. DANIELS

Re: Bueno v. New York State Department of Correctional Services, 08-cv-3275 (GBD)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. By order dated June 16, 2008, Your Honor directed respondent to file a response to the amended petition within sixty-days. This letter is to respectfully request an enlargement of time to October 31, 2008 to respond to the amended petition.

In order to respond to the amended petition and properly brief the issues for Your Honor's consideration, I require minutes respecting petitioner's sentencing. My paralegal informs me that the minutes have been ordered but that they have not yet been transcribed by the court reporter. I understand that we should have the minutes in a few weeks. Although I should have the minutes within a few weeks, I am respectfully seeking an enlargement of time to October 31, 2008 because I have been designated to respond to nine other habeas petitions before the end of September 2008. Additionally, I have an argument in the Second Circuit on September 12, 2008, and I will be starting a hearing in the Southern District on October 2, 2008. And, I have

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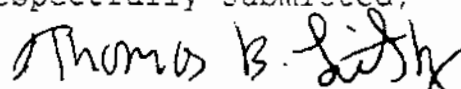
long-standing family vacation plans out of state the last week in August with my seven-year-old son.

For all of the above reasons, respondent respectfully requests an extension of time to October 31, 2008 to respond to the amended petition. This is respondent's first request for an extension of time.

Mr. Bueno is incarcerated, and I have not spoken to him regarding this request for an enlargement of time.

Although respondent is requesting an enlargement of time to October 31, 2008 to file a response, if a response can be filed earlier it will be.

Respectfully submitted,



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cc: Dennis Bueno
03-R-0562
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